

GLAVIN PLLC
156 West 56th Street, Ste. 2004
New York, New York 10019
646-693-5505

October 10, 2023

BY ECF

Hon. Taryn A. Merkl
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: *Cuomo v. Office of the N.Y. State Attorney General,*
22-cv-3044 (LDH) (TAM)**

Dear Judge Merkl:

Consistent with the Court's direction at the September 26, 2023 conference, we write on behalf of Movant Governor Cuomo and with the consent of the Respondent OAG to provide the Court with a status update on our attempts to meet and confer regarding narrowed requests to the OAG.

On October 4, 2023, Governor Cuomo's counsel provided his narrowed requests in writing to the OAG, per the OAG's request. On October 6, 2023, the Parties met and conferred regarding the narrowed requests. Since then, the Parties have exchanged follow-up correspondence regarding Governor Cuomo's narrowed requests. The correspondence containing Governor Cuomo's narrowed requests is attached as **Exhibit 1**. However, the Parties have been unable to reach an agreement.

OAG's position is as follows: OAG acknowledges that Movant has narrowed the scope of his request, but notes that three out of four of Movant's narrowed requests continue to seek OAG's interview memos, which are privileged investigative attorney work product replete with sensitive and personal information about individuals who are irrelevant to the *Trooper 1* action. OAG remains unwilling to provide these privileged memos. To avoid additional burden on OAG and the Court from continued litigation over Movant's subpoena, OAG remains open to entertaining any reasonable requests for non-privileged materials as part of a global resolution of all of Movant's document requests but will not voluntarily provide additional non-privileged material absent such a global resolution.

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Accordingly, Movant respectfully requests another conference with the Court to address the most expedient method for resolving the sovereign immunity and privilege issues raised by the OAG in connection with Governor Cuomo's motion to compel and the OAG's motion to quash. OAG takes no position as to this request.

Respectfully submitted,

/s/ Rita Glavin

Rita Glavin